



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

FORMAN HOLT ELIADES & RAVIN LLC  
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Attorneys for Charles M. Forman,  
Liquidating Trustee  
Kim R. Lynch (KL-5866)

In Re:

NATHAN AND MIRIAM BARNERT MEMORIAL  
HOSPITAL ASSOCIATION, d/b/a BARNERT  
HOSPITAL,

Debtor.

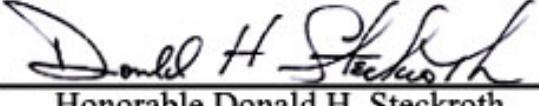
Chapter 11

Case No. 07-21631 (DHS)

**CONSENT ORDER GRANTING LIMITED RELIEF FROM THE  
AUTOMATIC STAY TO INGRID MARTINEZ, A MINOR AND SANDRA MENDEZ**

The relief set forth on the following page numbered two (2) through four (4) annexed hereto, is hereby **ORDERED**.

**DATED: 05/05/2010**

  
Honorable Donald H. Steckroth  
United States Bankruptcy Judge

Debtor: Nathan and Miriam Barnert Memorial Hospital Association  
Case No.: 07-21631 (DHS)  
Caption of Order: Consent Order Granting Limited Relief from Automatic Stay to Ingrid Martinez, a Minor and Sandra Mendez

**THIS MATTER**, having been brought before the court upon the application of Charles M. Forman (the “Liquidating Trustee”), liquidating trustee for the Nathan and Miriam Barnert Memorial Hospital Association, d/b/a Barnert Hospital (the “Debtor”), by and through his attorneys, Forman Holt Eliades & Ravin LLC, for entry of an order pursuant to Section 362(d) of the United States Bankruptcy Code (the “Bankruptcy Code”) granting Ingrid Martinez, a minor by her *guardian ad litem*, Sandra Mendez, and Sandra Mendez individually (the “Plaintiff”) limited relief from the automatic stay; and the parties having consented to the form and entry of this Order, and sufficient cause appearing therefore; it is hereby

**ORDERED** that pursuant to 11 U.S.C. § 362(d), the automatic stay in this bankruptcy case be and hereby is modified to allow the litigation pending in the Superior Court of the State of New Jersey, Bergen County, under Docket Number BER-L-4929-09, titled Ingrid Martinez, a minor by her guardian ad litem, Sandra Mendez, & Sandra Mendez, ind., v. Barnert Hospital, Hisham Gadalla, M.D., Dr. Najian, M.D., et al., (the “Litigation”), to proceed against the Debtor through the entry of final judgment and, if applicable, appeal; provided, however, that the Plaintiff shall enforce or execute upon any: (a) settlement; (b) judgment entered by a court of competent jurisdiction; or (c) other disposition of the underlying claims in the Litigation only to the extent such claims are covered by proceeds from any applicable liability insurance policies of the Debtor, and only to the extent permitted by such settlement, judgment or other disposition; and it is further

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**ORDERED** that Plaintiff shall not have any allowed claim against the Debtor or its estate and shall have no right to share in any distribution from the Debtor or its estate, whether under a plan of reorganization or otherwise. Any recovery in favor of the Plaintiff in the Litigation is limited to collection from the Debtor's insurer and is limited to proceeds of any applicable insurance policy. Other than a potential recovery against said insurer and/or policy, the Plaintiff shall have no right of recovery against the Debtor or the Debtor's bankruptcy estate. Any bankruptcy proof of claim filed by Plaintiff in this proceeding is hereby waived, and to the extent already filed, is deemed withdrawn. Plaintiff agrees that, in addition to the deemed withdrawal of any proof of claim previously filed against the Debtor by or on behalf of Plaintiff, Plaintiff shall not file any proof of claim against the Debtor; and it is further

**ORDERED** that nothing stated herein shall affect: (a) the rights of the parties to prosecute or defend against the merits of the allegations asserted in the Litigation (other than as provided in this Consent Order) and any subsequent appellate proceedings with respect to the Litigation; and (b) the rights of the Debtor to seek contribution or indemnification from any other codefendants; and it is further

**ORDERED** that this Consent Order shall not be modified, altered, amended or vacated without the prior written consent of all parties hereto. Any such modification, alteration, amendment or vacation in whole or part shall be subject to the approval of this Court. No statement made or action taken in the negotiation of this Consent Order may be used by any party for any purpose whatsoever; and it is further

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**ORDERED** that neither the Debtor, its estate nor the Liquidating Trustee shall be required to bear any expenses in connection with the prosecution in defense of the Litigation; and it is further

**ORDERED** that the Liquidating Trustee shall not be required to accept service of complaint on behalf of Debtor and its estate.

The undersigned are authorized to and hereby consent to the form and entry of this Order.

FORMAN HOLT ELIADES & RAVIN LLC  
Counsel to Charles M. Forman  
Liquidating Trustee

EMOLO & COLLINI, ESQS.  
Counsel to Sandra Mendez

By: /s/ Kim R. Lynch  
Kim R. Lynch, Esq.

By: /s/ Joseph E. Collini  
Joseph E. Collini, Esq.

Dated: April 30, 2010

Dated: April 30, 2010